

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mitchell Jones on December 18, 2009.

1. The specification has been amended as follows:

Replace p. 13, lines 15-17 with the following – Figure 15 illustrates un-induced cells in culture. –

2. The title has been changed to the following: Cultures, products and methods using umbilical cord matrix cells.

### *Drawings*

The drawings are objected to because Figures 19, 21 and 24 are not appropriately labeled. In particular, in the Brief Description of Drawings, Figure 19 refers to 19 A-D; Figure 21 to Figure 21 A and B; Figure 24 as Figure 24 A-C. The drawings do not indicate parts A, B, C, etc. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

Applicants have provided the Mitchell Declaration (11/10/09) to distinguish the instantly claimed cells from that taught by both Purchio and Thomson. The Declaration is found to be persuasive because it shows a specific phenotype and marker expression pattern that is representative of the specific cell population that is produced by the methods that are claimed. The specific cell population is distinct from that taught by Purchio and Thomson in view of the characterization of the cells, as evidenced by the Mitchell Declaration.

### ***Comment***

The Examiner has provided an additional *Notice of References Cited* (PTO-892) herein to provide the correct date for the Went *et al.* reference, cited in the Office action, mailed 9/19/07.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thaian N. Ton whose telephone

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number is (571)272-0736. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thaian N. Ton/

Primary Examiner, Art Unit 1632